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ALABAMA PUBLIC SERVICE COMMISSION

PETITIONER

PETITION: The Alabama Public Service Commission's Petition to the Federal Communications Commission For Delegated Authority to Implement Number Conservation Measures.

PETITION

BY THE COMMISSION:

The Telecommunications Act of 1996 allows the Federal Communications Commission ("Commission") to delegate to state commissions or other entities jurisdiction over numbering. The latest forecasts by the North American Numbering Plan Administrator, NeuStar, indicate that Numbering Plan Area (NPA) 256 in Alabama will exhaust within calendar year 2010. Therefore, the Alabama Public Service Commission (APSC) hereby petitions the Commission for an expedited decision authorizing the APSC delegated authority for implementing number conservation measures, specifically, the authority to implement thousands-block number pooling in Numbering Plan Area (NPA) 256. The APSC requests this authority for purposes of proactively optimizing numbering resources so that the life of NPA 256 may be extended and the public shielded from the consequences of premature area code splits or overlays due to inefficient utilization of exiting resources.

The Commission determined in the Numbering Resource Optimization Notice that implementation of thousands-block number pooling is essential to extending the life of the North American Numbering Plan (NANP) by making the assignment and use of central office codes

(NXX) more efficient.¹ In the Numbering Resource Optimization (NRO) First Report and Order, the Commission held that a state commission seeking thousands-block number pooling authority demonstrate that: (1) the NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and, (3) that the NPA is in one of the largest 100 metropolitan statistical areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are local number portability (LNP) capable.² These three criteria were adopted before implementation of nationwide thousands-block pooling and before the Commission recognized in the NRO Fourth Report and Order that full LNP capability is not necessary for participation in pooling but that the underlying architecture, Location Routing Number (LRN), must be deployed.³ Additionally the Commission recognized that there may be “special circumstances” where pooling would be of benefit in NPAs that do not meet all three aforementioned criteria, and stated that it may authorize mandatory pooling in such an NPA upon a satisfactory showing by a State Commission of special circumstances.

In 1998, the Commission adopted the Pennsylvania Numbering Order, where it delegated authority to state commissions to order central office code rationing in conjunction with area code relief decisions, in the absence of industry consensus. In the Pennsylvania Numbering order, the

¹ Numbering Resource Optimization Notice, 14 F.C.C. Rcd 10322, 10383-84 (June 2, 1999).

² First Report and Order, 15 F.C.C. at 7651-52, Para. 170. See also Numbering Resource Optimization, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, 17 F.C.C. Rcd 252,262, Para. 21 & note 47 (2001) (“Third Report and Order”).

³ Fourth Report and Order, 18 F.C.C. Rcd at 12476 Para. 11.

Commission also encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.⁴

The APSC is aware of and concurs with the Commissions intent in the NRO Fourth Report and Order regarding pooling exemptions for rural telephone companies and Tier III Commercial Mobile Radio Service (CMRS) providers that have not yet received a specific request for the provision of LNP from another carrier and carriers that are the only service provider receiving numbering resources in a given rate center.⁵ We expect that rural carriers who are not LNP capable will not be required to implement full LNP capability solely as a result of the delegation of authority sought by this petition. Currently, all of the wireline carriers serving in NPA 256 are LNP capable.

NPA 256 has experienced significantly increased demand for full NXX codes at a rate not previously anticipated. Service providers are frequently requesting full NXX codes in lieu of thousands-blocks and the occurrence of stranded numbers in contaminated blocks is exponentially increasing, most notably in rural rate centers. Recent data provided by NeuStar indicates Alabama is ranked eighth in the top ten states with the most prefixes assigned. The current utilization rate for NPA 256 is forty-one (41) percent and the NPA is forecast to exhaust in the fourth quarter of 2010. The thirty six-month pre-exhaust planning meetings for NPA 256 between NeuStar, the APSC, and the telecommunications industry in Alabama are scheduled to begin in the fourth quarter of 2007.

⁴ In the Matter of the Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 F.C.C. Rcd 19009 (1998).

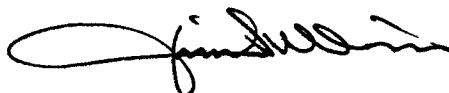
⁵ Fourth Report and Order, 18 F.C.C. Rcd at 12473, Para. 1.

The APSC asserts that special circumstances warrant a grant of delegated authority for implementation of mandatory thousands-block pooling in NPA 256. The APSC attests that all of the Commission's criteria for mandatory thousands-block pooling in NPA 256 have been met. Therefore, the APSC respectfully requests that the Commission approve this petition and grant the authority for implementing mandatory thousands-block pooling in LNP-capable rate centers within NPA 256, to prolong the life of NPA 256, forestall the expense and inconvenience of any potentially premature area code overlay or split, and compel service providers to donate blocks that do not exceed the 10% contamination level to an industry pool for reassignment. The APSC will actively work with industry and consumers before mandatory pooling implementation is introduced in NPA 256.

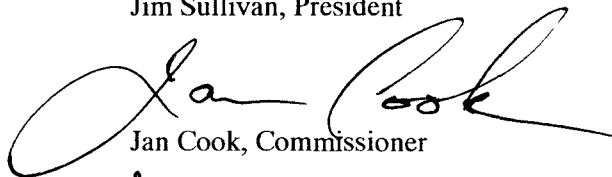
The APSC respectfully requests the Commission grant this petition for delegated authority to implement number conservation measures in NPA 256 on an expedited basis.

Respectfully submitted this 1st day of May, 2007.

ALABAMA PUBLIC SERVICE COMMISSION



Jim Sullivan, President

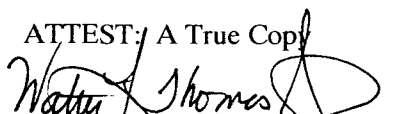


Jan Cook, Commissioner



Susan D. Parker, Commissioner

ATTEST: A True Copy


Walter L. Thomas, Jr., Secretary